

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
v.)	Cause No.: 2:12-CR-160-JVB-PRC
)	
ANTHONY BITTERLING,)	
Defendant.)	

OPINION AND ORDER

This matter is before the Court on the Government’s Request for Immediate Production of Evidentiary Material [DE 125], filed on October 7, 2014. No response has been filed, and the time to do so has passed.

Defendant Bitterling pled guilty earlier this year to conspiracy to commit healthcare fraud. Defendant Bitterling has not yet been sentenced, and there is an evidentiary hearing in this case scheduled to take place on February 17, 2015, before District Judge Joseph Van Bokkelen. That hearing will focus on the appropriate level of loss and restitution.

The Government contends that restitution due from Defendant Bitterling is over one million dollars; Defendant Bitterling, however, claims that the appropriate restitution amount is \$159,892.37. The Government represents that Defendant has failed to provide it with any evidence in support of the lower number and asks that this Court order Defendant Bitterling to hand over any evidentiary material he intends to use to establish that the lower amount applies. The Government represents that it is aware of a number of subpoenas Defendant Bitterling issued to various physicians. According to the Government, these subpoenas were for early return of material in advance of the evidentiary hearing. Thus far, says the Government, Defendant has refused to provide the Government with access to this material.

Defendant Bitterling has not responded to this motion, and the Court sees no reason why it should not be granted. Accordingly, the Court **GRANTS** the Government's Request for Immediate Production of Evidentiary Material [DE 125] and **ORDERS** Defendant Bitterling to disclose to the Government any evidentiary material he intends to rely on at the upcoming evidentiary hearing to establish a lower amount of restitution responsibility.

SO ORDERED this 21st day of November, 2014.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT